APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,888	10/23/2003	Timothy P. McKee	MFCP.110115	8996

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EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/691,888	MCKEE ET AL.
		Examiner	Art Unit	
		Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 October 2003</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-28* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>02/26/04, 01/12/04</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Preliminary Amendment

1.   Applicant's Preliminary Amendment, filed 23 October 2003, has been received, entered

into the record, and considered.

Specification

2.   The following is a quote in part of MPEP 608.01(p), concerning the incorporation of

subject matter by reference:

> "The Commissioner has considerable discretion in determining what may or may not be incorporated
> by reference in a patent application. *General Electric Co. v. Brenner*, 407 F.2d 1258, 159 USPQ 335 (D.C.
> Cir. 1968). The incorporation by reference practice with reference to applications which issue as U.S.
> patents provides the public with a patent disclosure which minimizes the public's burden to search for and
> obtain copies of documents incorporated by reference which may not be readily available. Through the
> Office's incorporation by reference policy the Office ensures that reasonably complete disclosures are
> published as U.S. patents. The following is the manner in which the Commissioner has elected to exercise
> that discretion.
>
> An application as filed must be complete in itself in order to comply with 35 U.S.C. 112. Material
> nevertheless may be incorporated by reference, *Ex parte Schwarze*, 151 USPQ 426 (Bd. App. 1966). An
> application for a patent when filed may incorporate "essential material" by reference to (1) a U.S. patent or
> (2) a pending U.S. application, subject to the conditions set forth below.
>
> "Essential material" is defined as that which is necessary to (1) describe the claimed invention, (2)
> provide an enabling disclosure of the claimed invention, or (3) describe the best mode (35 U.S.C. 112). In
> any application which is to issue as a U.S. patent, essential material may not be incorporated by reference
> to (1) patents or applications published by foreign countries or a regional patent office, (2) non-patent
> publications, (3) a U.S. patent or application which itself incorporates "essential material" by reference, or
> (4) a foreign application.
>
> Nonessential subject matter may be incorporated by reference to (1) patents or applications published
> by the United States or foreign countries or regional patent offices, (2) prior filed, commonly owned U.S.
> applications, or (3) non-patent publications. Nonessential subject matter is subject matter referred to for
> purposes of indicating the background of the invention or illustrating the state of the art.
>
> Mere reference to another application, patent, or publication is not an incorporation of anything
> therein into the application containing such reference for the purpose of the disclosure required by 35
> U.S.C. 112, first paragraph. *In re de Seversky*, 474 F.2d 671, 177 USPQ 144, (CCPA 1973). In addition to
> other requirements for an application, the referencing application should include an identification of the
> referenced patent, application, or publication. Particular attention should be directed to specific portions of
> the referenced document where the subject matter being incorporated may be found. Guidelines for

situations where applicant is permitted to fill in a number for Serial No. _____ left blank in the
application as filed can be found in *In re Fouche*, 439 F.2d 1237, 169 USPQ 429 (CCPA 1971)
(Abandoned applications less than 20 years old can be incorporated by reference to same extent as
copending applications; both types are open to public upon referencing application issuing as a patent)."

The disclosure on pps. 1-2 is objected to since some of these applications have no US

Patent Application Serial Numbers issued by the USPTO for the purpose of cross-referencing.

Appropriate correction is required.

Information Disclosure Statement

3.   Applicants' Information Disclosure Statement, filed 02/26/2004, 01/12/2004, have been

received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before
the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention
by the applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States only
if the international application designated the United States and was published under Article 21(2) of such
treaty in the English language.

4.   Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Brockway et al.

(US Pub. No. 20040117799).

Brockway anticipated independent claims 1, 9, 13, 18, 25 by the following:

As per claim 1, Brockway teaches a computer system for presenting related items in a universal data store to a user, the system comprising *(See Abstract)*:

a universal data store *(i.e. desktop component library 925, Fig. 9)* containing a plurality of items stored in accordance with a universal data schema *(i.e. Desktop screen layout 2700 includes a number of objects 2750. Objects 2750 include desktop components that are accessible from the desktop. Each desktop component corresponds to a graphical image, such as an icon, which is selectable by the user using a pointing device such as a mouse, [0163])* and containing relational information corresponding to at least a portion of said plurality of items *(i.e. The desktop component library 925 includes backgrounds and other images 930, icons 935, application references 945, and resources 955, [0086])* ([0086 to 0088]), wherein the relational information allows relationships between two or more of the plurality of items to be determined *(i.e. Desktop frame 1140 includes information about the roles and desktops available at the site. Desktop frame 1140 includes role data 1155, desktop data 1160, and inheritance data 1170. The inheritance data includes the name of the desktop that is inherited 1175 and the name of the ancestor 1180 from which the desktop is inherited, [0092])* ([0089 to 0093]); and

a shell *(i.e. FIG. 28A is a hierarchy chart of directories used by the client shell in displaying and managing desktops. Shell home directory 2800 includes a number of subdirectories used by the client for performing desktop functions, [0166])* for presenting said plurality of items to a user *(i.e. FIG. 11 is a screen layout of a screen used by an administrator to set up a new site. The administrator uses screen layout 1100 to define a new site. The administrator enters a unique site identifier in text box 1150. If the new site is a child of a site that has already been created, the parent site is selected from list box 1105. List box 1105*

includes a list of previously defined site identifiers, [0091]), wherein the shell is configured to

present a selected item to a user and is further configured to utilize said relational information to

present one or more items in said data store which are related to said selected item *([0091 to*

0099], [0163 to 0169]).

As per claim 2, Brockway teaches the relational information corresponding to one or

more of said plurality of items includes a set of item characteristics ([0059], [0062 to 0066]), *(i.e.*

The additional resources may include images, property files, and other class files used by the

application extension, [0130]).

As per claim 3, Brockway teaches said shell is configured to present one or more of said

set of item characteristics to a user *([0059], [0062 to 0066]), (i.e. The additional resources may*

include images, property files, and other class files used by the application extension, [0130]).

As per claim 4, Brockway teaches said shell is configured to accept a user input

representing a selection to view one or more items in the data store having one of said item

characteristics *([0062 to 0066]).*

As per claim 5, Brockway teaches said shell is configured to present one or more items

in the data store which share one of said item characteristics *([0062 to 0066]).*

As per claim 6, Brockway teaches the shell is configured to present at least a portion of

said relational information *([0066], [0130]).*

As per claim 7, Brockway teaches the shell is configured to accept a user input

representing a selection to view items in the data store which are related to said selected item

(i.e. The user could then select the desired desktop from the list provided in the pop-up menu,

[0148]).

As per claim 8, Brockway teaches said relational information corresponding to the selected item includes a set of item characteristics associated with the selected item and wherein said user input represents a selection to view one or more items in the data store which share one of said set of item characteristics with the selected item ([0148]), *(i.e. FIG. 27 is a screen layout of a sample desktop displayed on a client workstation along with a pop-up menu of other self-contained desktops available to the client. Desktop screen layout 2700 includes a number of objects 2750. Objects 2750 include desktop components that are accessible from the desktop. Each desktop component corresponds to a graphical image, such as an icon, which is selectable by the user using a pointing device such as a mouse, [0163]).*

As to claims 9, 13, 25, Brockway teaches a computer-implemented method for presenting related items in a universal data store *(i.e. desktop component library 925, Fig. 9)* to a user, the method comprising:

accessing data in said universal data store, wherein said universal data store stores a plurality of items in accordance with a universal data schema *(i.e. Desktop screen layout 2700 includes a number of objects 2750. Objects 2750 include desktop components that are accessible from the desktop. Each desktop component corresponds to a graphical image, such as an icon, which is selectable by the user using a pointing device such as a mouse, [0163]),* and wherein at least a portion of said plurality of items contain relational information which allows relationships between said plurality of items to be determined *(i.e. The desktop component library 925 includes backgrounds and other images 930, icons 935, application references 945, and resources 955, [0086])* ([0086 to 0088]);

utilizing said relational information to determine a relationship between a selected item

and one or more of the items containing said relational information in the data store *(i.e. FIG. 11*

is a screen layout of a screen used by an administrator to set up a new site. The administrator

uses screen layout 1100 to define a new site. The administrator enters a unique site identifier in

text box 1150. If the new site is a child of a site that has already been created, the parent site is

selected from list box 1105. List box 1105 includes a list of previously defined site identifiers,

[0091]); and

displaying said selected item and one or more related items to the user *([0086 to 0088],*

[0091 to 0093]).

As to claims 10, 26, Brockway teaches the displaying of said selected item and one or

more related items includes displaying at least a portion of said relational information to a user

(i.e. The additional resources may include images, property files, and other class files used by

the application extension, [0130]).

As to claims 11, 27, Brockway teaches said method further comprises receiving a user

input representing a selection to view one or more items in the data store which are related to

said selected item *(i.e. The user could then select the desired desktop from the list provided in the*

pop-up menu, [0148]).

As per claim 12, Brockway teaches the displaying of said selected item and one or more

related items is responsive to said input *(i.e. FIG. 27 is a screen layout of a sample desktop*

displayed on a client workstation along with a pop-up menu of other self-contained desktops

available to the client. Desktop screen layout 2700 includes a number of objects 2750. Objects

2750 include desktop components that are accessible from the desktop. Each desktop component

corresponds to a graphical image, such as an icon, which is selectable by the user using a

pointing device such as a mouse, [0163].

As per claim 14, Brockway teaches the relational information includes a set of item

characteristics ([0059], [0062 to 0066]), *(i.e. The additional resources may include images,*

property files, and other class files used by the application extension, [0130].

As per claim 15, Brockway teaches accessing data in said universal data store is in

response to a user input representing a selection to view one or more items in the data store

which are related to said selected item *(i.e. The user could then select the desired desktop from*

the list provided in the pop-up menu, [0148]).

As per claim 16, Brockway teaches said relational information corresponding to the

selected item includes a set of item characteristics associated with the selected item and wherein

said user input represents a selection to view one or more items in the data store which share one

or more item characteristics with the selected item *(i.e. FIG. 27 is a screen layout of a sample*

desktop displayed on a client workstation along with a pop-up menu of other self-contained

desktops available to the client. Desktop screen layout 2700 includes a number of objects 2750.

Objects 2750 include desktop components that are accessible from the desktop. Each desktop

component corresponds to a graphical image, such as an icon, which is selectable by the user

using a pointing device such as a mouse, [0163]).

As per claim 17, Brockway teaches the presenting of said selected item and one or more

related items includes presenting at least a portion of said relational information to a user ([0086

to 0088], [0091 to 0093]).

As per claim 18, Brockway teaches a shell for presenting related items in a universal

data store to a user, the shell comprising *(See Abstract)*:

a data store interaction component which retrieves data associated with one or more items

from the universal data store *(i.e. desktop component library 925, Fig. 9)*, wherein said one or

more items are stored in accordance with a universal data schema and at least a portion of said

one or more items contain relational information that allows relationships between two or more

items to be determined *(i.e. Desktop screen layout 2700 includes a number of objects 2750.*

Objects 2750 include desktop components that are accessible from the desktop. Each desktop

component corresponds to a graphical image, such as an icon, which is selectable by the user

using a pointing device such as a mouse, [0163]); and

a related item presentation component which utilizes said retrieved data to present related

items to a user *(i.e. The desktop component library 925 includes backgrounds and other images*

930, icons 935, application references 945, and resources 955, [0086]) ([0086 to 0088]),

wherein the relationship presentation component is configured to present a selected item to a user

and is further configured to utilize said relational information to present one or more items in

said data store which are related to said selected item *(i.e. FIG. 11 is a screen layout of a screen*

used by an administrator to set up a new site. The administrator uses screen layout 1100 to

define a new site. The administrator enters a unique site identifier in text box 1150. If the new

site is a child of a site that has already been created, the parent site is selected from list box

1105. List box 1105 includes a list of previously defined site identifiers, [0091]) ([0086 to 0088],

[0091 to 0093]).

As per claim 19, Brockway teaches the relational information corresponding to one or

more of said plurality of items includes a set of item characteristics *(i.e. The additional resources*

may include images, property files, and other class files used by the application extension,

[0130]).

As per claim 20, Brockway teaches said related item presentation component is

configured to present one or more of said set of item characteristics to a user *([0062 to 0066]).*

As per claim 21, Brockway teaches said related item presentation component is

configured to present one or more items in the data store which share one of said item

characteristics *([0062 to 0066]).*

As per claim 22, Brockway teaches the related item presentation component is

configured to present at least a portion of said relational information *([0062 to 0066]).*

As per claim 23, Brockway teaches the shell is configured to accept a user input

representing a selection to view items in the data store which are related to said selected item

(i.e. The user could then select the desired desktop from the list provided in the pop-up menu,

[0148]).

As per claim 24, Brockway teaches said relational information corresponding to the

selected item includes a set of item characteristics associated with the selected item and wherein

said user input represents a selection to view one or more items in the data store which share one

of said set of item characteristics with the selected item *(i.e. FIG. 27 is a screen layout of a*

sample desktop displayed on a client workstation along with a pop-up menu of other self-

contained desktops available to the client. Desktop screen layout 2700 includes a number of

objects 2750. Objects 2750 include desktop components that are accessible from the desktop.

Each desktop component corresponds to a graphical image, such as an icon, which is selectable

by the user using a pointing device such as a mouse, [0163]).

As per claim 28, Brockway teaches said means for accessing data in said universal data

store interacts with said data store in response to a user input representing a selection to view one

or more items in the data store having one of said item characteristics *(i.e. FIG. 27 is a screen*

layout of a sample desktop displayed on a client workstation along with a pop-up menu of other

self-contained desktops available to the client. Desktop screen layout 2700 includes a number of

objects 2750. Objects 2750 include desktop components that are accessible from the desktop.

Each desktop component corresponds to a graphical image, such as an icon, which is selectable

by the user using a pointing device such as a mouse, [0163].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The
examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jean Homere, Esq., can be reached on (571) 272-3780. The fax number to this Art
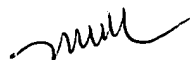Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-3900.
Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
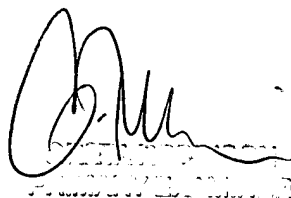
Miranda Le
February 16, 2006